



COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
PUERTO RICO PLANNING BOARD
SANTURCE, P.R.

PLANNING REGULATION NO. 13

REGULATION FOR THE CONTROL OF
BUILDINGS AND LAND DEVELOPMENT
IN FLOODABLE ZONES.

1971

GB
568.28
P9
1972
no. 13

Commonwealth of Puerto Rico
OFFICE OF THE GOVERNOR
PUERTO RICO PLANNING BOARD
Santurce, Puerto Rico

[REGULATION
FOR THE CONTROL OF BUILDINGS AND LAND
DEVELOPMENT IN FLOODABLE ZONES

GB 568.28 P.9 1. 1972 no. 13

PLANNING REGULATION NO. 13
EFFECTIVE DATE: JANUARY 30, 1972
(Translation from the Official Spanish Text)

Commonwealth of Puerto Rico
OFFICE OF THE GOVERNOR
PUERTO RICO PLANNING BOARD
Santurce, Puerto Rico

Resolution RPL3-0-71

ADOPTING PLANNING REGULATION NO. 13
(Regulation for the Control of Buildings and Land Development in Floodable
Zones)

Pursuant to the authority granted by Acts No. 3 of September 27, 1961 and No. 213 of May 12, 1942, as both amended, this Planning Board prepared a draft of a Regulation for the Control of Buildings and Land Development in Floodable Zones.

The Association of Engineers, Architects and Surveyors, the Home Builders Association, and engineers in the private practice participated in the preparation of the draft of the Regulation. The draft of the Regulation was discussed in public hearings held in San Juan, Ponce and Mayaguez on February 16, 1971.

After due consideration was given to the opinions received in the public hearings as well as to the memoranda received, this Planning Board ADOPTS Planning Regulation No. 13 (Regulation for the Control of Buildings and Land Development in Floodable Zones) which hereby becomes an integral part of this resolution.

I CERTIFY: That the preceding is a faithful and exact copy of the Resolution adopted by the Puerto Rico Planning Board at the meeting held on December 15, 1971, and for its notification and general use, I issue the present under my signature and the seal of the Board in San Juan, Puerto Rico, this December 16, 1971.

HARRY MALDONADO (Signed)
Secretary

(Translation from the Official Spanish Text)

COMMONWEALTH OF PUERTO RICO
LA FORTALEZA, SAN JUAN
OFFICE OF THE GOVERNOR

Administrative Bulletin
No. 1722

PROCLAMATION
OF THE GOVERNOR OF PUERTO RICO

PLANNING REGULATION NO. 13
(REGULATION FOR THE CONTROL OF BUILDINGS AND
LAND DEVELOPMENT IN FLOODABLE ZONES)

- WHEREAS : having the Puerto Rico Planning Board adopted Planning Regulation No. 13 (Regulation for the Control of Buildings and Land Development in Floodable Zones) on December 15, 1971, by virtue of the provisions of Acts No. 3 of September 27, 1961 and No. 213 of May 12, 1942, as both amended.
- THEREFORE : I, LUIS A. FERRE, Governor of Puerto Rico, by virtue of the provisions of Acts No. 3 of September 27, 1961 and No. 213 of May 12, 1942, as both amended, do approve Planning Regulation No. 13 (Regulation for the Control of Buildings and Land Development in Floodable Zones) which shall become effective thirty (30) days after this approval. The Planning Board shall comply with the provisions of Article 20 of Act No. 213 of May 12, 1942, amended, regarding the publication of a summary or general description of this Regulation in one or more newspapers of general publication in the Island of Puerto Rico.

IN WITNESS THEREOF, I sign this
proclamation and affix thereto the
Great Seal of the Commonwealth of
Puerto Rico, in the City of San
Juan, today December 30, 1971.

(Signed) LUIS A. FERRE

Promulgated according to the Law, today January 3, 1972.
(Signed) Fernando Chardón
Secretary of State

(Translation from the Official Spanish Text)

PLANNING REGULATION NUMBER 13

PREFACE

Rain is one of the most common natural phenomena. It replenish the sources of fresh water needed by man and all living organisms. Human beings generally settle in areas where there is an abundance of water, shunning arid areas. Consequently, river banks, valleys and coastal plains have been preferred as sites for agriculture, for the foundation cities and the establishment of industries.

Occasionally, rains fall in such great abundance exceeding the safe flow capacity of water courses and channels and they overflow, flooding valleys and coastal plains. In Puerto Rico, the threat of flooding in numerous urban and rural areas is exacerbated by the fact that water course channels plunge down through steep slopes, emptying rainwater suddenly onto plains, and also by the fact that the Island's beaches are subject to coastal surges.

Due to our high population density, flooding have become a serious menace to the lives and property and a considerable risk to the health, security, prosperity, economic stability and general welfare of the inhabitants of the affected communities.

Despite the experiences of the past, there is continued construction in areas subject to flooding, thus exposing to potencial flood damage the occupants or users of the buildings thereon located.

When floods become a threat to the safety of the inhabitants of those zones and to the buildings and installations constructed by man in these areas, it becomes necessary to take protective measure.

II

There are two basic ways to protect against floodings. The first consists in constructing engineering works, such as dams and channels, to control excess rainfall and runoff. The second way consists in regulating the construction of buildings and the development of land in floodable zones until it is feasible to construct the projects offering maximum protection.

The Commonwealth of Puerto Rico recognizes as a public purpose, the adoption of appropriate measures to reduce or eliminate losses and damages due to flooding, until flood control works can be provided.

Act Number 3, approved September 27, 1961, as amended, constitutes the expression of the Legislature to enforce measures to control building and development of lands in floodable zones. Said Act empowers the Puerto Rico Planning Board to implement its provisions.

This Regulation is intended to achieve the aforementioned purposes. The same has been divided into topics; which in turn are subdivided into sections, that cover the following aspects; General Provisions, Definitions, Floodable Zone Maps, Declaration, Notification and Publication of Declarations Designating Floodable Zones, Classification of Floodable Zones, Zone 1, Zone 2, Zone E, Declaration Notification and Publication of Declaration Designating Provisional Floodable Zones, Permits, Direct Authorizations, Concessions, Surveillance and Inspection of Floodable Zones.

The provisions of this Regulation will be supplemented by the provisions of any other Planning Regulation in force that applies to the specific zone where the property is located.

III

TABLE OF CONTENTS

TOPIC 1

GENERAL PROVISIONS AND DEFINITIONS

	<u>Pages</u>
SECTION 1.00 - GENERAL PROVISIONS	
1.01 - Title	1
1.02 - Authority	1
1.03 - Applicability	1
1.04 - Effective date	1
1.05 - Terms Used	2
1.06 - Meaning of Terms defined	2
1.07 - Provisions of Other Regulations	2
1.08 - Penalties	2
1.09 - Saving Clause	2
1.10 - Public Safety	3
SECTION 2.00 - DEFINITIONS	3

TOPIC 2

FLOODABLE ZONES

SECTION 3.00 - FLOODABLE ZONE MAPS	
3.01 - Preparation of Maps	8
3.02 - Amendments to Maps	8
SECTION 4.00 - DECLARATION, NOTIFICATION AND PUBLICATION OF THE DECLARATION OF FLOODABLE ZONES	
4.01 - Declaration of Floodable Zones	9
4.02 - Notification and Publication of Floodable Zones Declaration	9
4.03 - Procedures for the Revision of the Declaration of Floodable Zones	9
SECTION 5.00 - CLASSIFICATION OF FLOODABLE ZONES	
5.01 - Classification by Floodable Zones	9
SECTION 6.00 - ZONE 1	
6.01 - Buildings in Zone 1	11
6.02 - Uses in Zone 1	12
6.03 - Signs or Advertising Signs in Zone 1	14
6.04 - Subdivisions in Zone 1	14
6.05 - Land Fill in Zone 1	15

IV

	<u>Pages</u>
SECTION 7.00 - ZONE 2	
7.01 - Buildings in Zone 2	15
7.02 - Uses in Zone 2	17
7.03 - Signs and Advertising Signs in Zone 2	19
7.04 - Subdivisions in Zone 2	19
7.05 - Land Fill in Zone 2	20
SECTION 8.00 - ZONE E	
8.01 - Buildings in Zone E	20
8.02 - Uses in Zone E	22
8.03 - Signs or Advertising Signs in Zone E	24
8.04 - Subdivisions in Zone E	24
8.05 - Land Fill in Zone E	25

TOPIC 3

PROVISIONAL FLOODABLE ZONES

SECTION 9.00 - DECLARATION, NOTIFICATION AND PUBLICATION OF THE PROVISIONAL FLOODABLE ZONES DECLARATION	
9.01 - Declaration of Provisional Floodable Zones	26
9.02 - Notification and Publication of Provisional Floodable Zone Declaration	26

TOPIC 4

ADMINISTRATION OF THE REGULATION

SECTION 10.00 - PERMITS	
10.01 - General Provisions	27
10.02 - Permit Requirements	27
10.03 - Issuance of Permits	27
10.04 - Term of effectiveness of the Decision Regarding Permits	28
SECTION 11.00 - DIRECT AUTHORIZATIONS	
11.01 - General Provisions Regarding Direct Authorizations	29
11.02 - Conditions Governing Direct Authorizations	30
11.03 - Term of effectiveness of Decisions Regarding Direct Authorizations	30
SECTION 12.00 - CONCESSIONS	
12.01 - Concessions in Zone 1	31
12.02 - Conditions Governing Concessions	32
12.03 - Term of effectiveness of Decisions Regarding Concessions	33

SECTION 13.00 - SURVEILLANCE AND INSPECTION OF FLOODABLE ZONES	
13.01 - Urban Zones	33
13.02 - Rural Zones	33

TOPIC 1

GENERAL PROVISIONS AND DEFINITIONS

SECTION 1.00 - GENERAL PROVISIONS

- 1.01 - Title: This Planning Regulation No. 13 will be named and referred to as "Regulation for the Control of Building and Land Development in Floodable Zones".
- 1.02 - Authority: This Regulation is adopted in conformity with the provisions of Act No. 3 of September 27, 1961 and Act No. 213 of May 12, 1942, both as amended.
- 1.03 - Applicability: Provisions contained in this Regulation will apply to and will cover the following:
 - (1) - Floodable Zones as Declared by the Board and the properties contained therein.
 - (2) - All persons whether natural or legal, including associations, institutions, corporations, societies, organizations and entities, whether private, public, quasi-public, civic or of whatever kind or nature, and embracing instrumentalities and organisms of Puerto Rico, as defined in Act No. 213 of May 12, 1942, as amended.
- 1.04 - Effective Date: This Regulation and amendments thereto shall become effective upon compliance with the provisions established by Law.

- 1.05 - Terms Used: It is understood that all words used in the singular include the plural, and masculine cases include the feminine, and vice-versa, when so justified.
- 1.06 - Meaning of Terms Defined: For the purposes of this Regulations terms defined in Section 2.00 will have the meaning expressed after each term. Terms not defined will have the meaning contained in the Royal Academy Dictionary or the meaning in current local usage, pursuant to textual inference.
- 1.07 - Provisions of other regulations: The provisions of this Regulation will be supplemented by the provisions of any other regulations approved by the Board which may apply to the specified zone in which the property is located.
- 1.08 - Penalties: Any violation of the provisions of this Regulation will be penalized according to Act No. 3 of September 27, 1961, as amended.
- 1.09 - Saving Clause: If any word, sentence, clause, subsection, section, topic, or portion of this Regulation is impugned before a court for any reason and is declared unconstitutional, null or void, such judgement shall not affect, minimize or invalidate the remaining provisions and portions of this Regulation but rather its effect shall be limited to the word, sentence, clause, subsection, section, topic or

portion thus declared unconstitutional, null or void; and the nullity or invalidity of any word, sentence, clause, subsection, section, topic or portion, in each specific case, will not affect or prejudice in any sense its applicability or validity in any other case.

- 1.10 - Public safety: The provisions established in this Regulation constitute minimal norms. The Board can modify them in order to require and bring about compliance with more strict requirements in any case when there exists or is anticipated a condition, not foreseen in this Regulation, which constitutes a threat to life and property of the citizenry or a grave danger to public health and safety.

SECTION. 2.00 - DEFINITIONS

- 2.01 - Structural alterations: All changes in the structural elements of a building, such as load-bearing walls, columns, beams or roof slabs, or any addition, extension, enlargement or variation in size of existing structural elements or the construction in a building of new and additional structural elements such as roof slabs, beams, columns, or load-bearing walls.
- 2.02 - Enlargement: Construction which increase the size and adds gross floor area to the existing building.

- 2.03 - Extraordinary flood: A flood that is in excess of the maximum historical flood, calculated by means of hydrological studies based on the intensity of probable rainfall and storm patterns recurring every hundred (100) years, according to estimates of the U. S. Weather Bureau, Technical Report No. 42.
- 2.04 - Maximum historical flood: The magnitude of a flood of a river, creek, or brook producing the highest known flooding level in the history of a region.
- 2.05 - Watercourse channel: The bed of a river, creek or brook along which water normally flows.
- 2.06 - Floodway: The water course channel of a river, creek or brook and those adjacent lands determined necessary by a hydrological study to carry the flow of water during an extraordinary flood of a river, creek or brook.
- 2.07 - Provisional Floodway: Until hydrological studies are conducted to determine the floodway, the Board will designate as such those areas indicated as floodable in surveys and plans available at the time that this Regulation takes effect, taking into consideration such elements as depth and water velocity which may be a hazard to human life and property.
- 2.08 - Buildings: Construction of whatever kind to be utilized permanently or temporarily by persons.

The term building will be interpreted to include the phrase: "or part thereof".

- 2.09 - Structure: Anything erected, constructed, fixed or situated by the hand of man on, above or under the ground.
- 2.10 - Flooding: The action or effect wherein an area is inundated or covered by water as a result of rains, freshets, tides and overflowing of rivers, creeks, or brooks and other natural causes.
- 2.11 - Maximum historical flooding: Inundation involving the highest levels known in the history of a region, adjusted to the prevailing conditions of the watershed and the flood plain.
- 2.12 - Regulatory flooding: The inundation that could be produced by an extraordinary flood of any river, creek or small stream, calculated by means of a hydrologic study taking into account the probable rainfall intensity for storms recurring every hundred (100) years as estimated by the U. S. Weather Bureau, Technical Report No. 42. Also, this includes flooding that could be caused by the coastal and lake surges produced by cyclones, hurricanes or storms.
- 2.13 - Board: The Puerto Rico Planning Board created by Act No. 213 of May 12, 1942, as amended, and known as "Planning and Budget Act of Puerto Rico".

- 2.14 - Map: Graphic representation of floodable zones.
- 2.15 - Maximum historic flooding level: The level reached by waters during the greatest historic flooding on record.
- 2.16 - Regulatory flooding level: The high point that would be reached by water overflowing a river, a creek or brook during a regulatory flooding. In the case of flooding caused by coastal surges, this will be a point six feet (1.83 meters) above the mean sea level.
- 2.17 - Settlement or town: Any urbanized or built-up area that includes twenty (20) or more buildings or housing units occupying not less than seventy per cent (70%) of the lots within the area, and with the following densities:
 - (a)- Settlement - A rural community, hamlet or village with a developed gross density of three (3) or more families per "cuerda".
 - (b)- Town - A city or town of any municipality, or sector thereof, with a developed gross density of six (6) or more families per "cuerda".
- 2.18 - Permit Official: The Permit Official, created by Act 429 of April 13, 1946, as amended.
- 2.19 - Property: Land, buildings or any combination of both.
- 2.20 - Creek: A water course forming a part of the tributary system of a river or discharging directly into a lake, lagoon, sea or ocean.

TOPIC 2

FLOODABLE ZONES

SECTION 3.00 - FLOODABLE ZONE MAPS

3.01 - Preparation of Maps: The Board will prepare maps of floodable areas taking into consideration, among other things, available data concerning maximum levels reached by the different bodies of water during floodings. These areas so traced will be classified in zones as provided in Section 5.00 of this Regulation. From their respective effective dates all maps or amendments thereto will become part of this Regulation.

3.02 - Amendments to Maps: The Board may consider amendments to floodable zone maps on its own initiative, upon request of a Mayor or resident of an affected property, when there occurs a change in the size or other characteristics of a declared floodable zone caused by nature or by works realized by human-beings or because of others technical reasons. All map amendment petitions proposed by a Mayor or by interested persons must be submitted to the Board in writing, along with a plan and an explanatory note stating the merits and/or justifications for such request.

The steps to be followed in the consideration

of all proposed map amendments will be governed by procedures established in Section 4.00 of this Regulation.

SECTION 4.00 - DECLARATION, NOTIFICATION AND PUBLICATION OF THE DECLARATION OF FLOODABLE ZONES

4.01 - Declaration of Floodable Zones: The Board will declare floodable zones pursuant to the provisions of Act No. 3 of September 27, 1961, as amended.

4.02 - Notification and Publication of the Floodable Zones Declarations: The Board will notify and publish declarations of floodable zones pursuant to procedures established in Act No. 3 of September 27, 1961, as amended.

4.03 - Procedures for revision of the Declaration of Floodable Zones: In conformity with Act No. 3 of September 27, 1961, as amended, the Mayor of a Municipality, or any the owners of the lands or buildings located within a zone declared "Floodable zone", or any other person with a right and interest therein may contest the decision of the Board by filing a petition for review in any part of the Superior Court of Puerto Rico within fifteen (15) days from the publication of the "declaration of floodable zone".

SECTION 5.00 - CLASSIFICATION OF FLOODABLE ZONES

5.01 - Classification by Floodable Zones: Floodable zones

will be classified by taking into consideration the limits reached by the maximum historical flooding or extraordinary flooding or the coastal surges, and the water levels reached or that can be reached as a result of such floodings or coastal surges; the degree of hazard to which are exposed life and property of the established or to be established persons in the zone; and such elements as water depth and velocity. The Board can use the provisional floodway as the base for the classification of zones until the water level and limits of the extraordinary flood or floodway are determined.

As to the effects of enforcing this Regulation, the following types of zones are established:

ZONE 1 - UNFIT FOR BUILDING: Includes lands located within the limits of the floodway or provisional floodway and lands subject to action of coastal surges. The Board will notify residents in the zone, the Department of Public Works, the Urban Renewal and Housing Corporation, the Social Programs Administration and Municipal authorities about the critical conditions of these lands and the need for programming the elimination of buildings that cannot be protected.

ZONE 2 - FIT FOR BUILDING UNDER CERTAIN CONDITIONS:

Includes those lands located between the limits of the floodway or the provisional floodway and the limits of the flood plain.

ZONE E - SPECIAL: Includes those portions of the lands located within the limits of the flood plain or subject to the action of coastal surges, that are occupied by a settlement or town.

SECTION 6.00 - ZONE 1

6.01 - Buildings in Zone 1:

(1) - Starting from the effective date of the corresponding floodable zone map new buildings shall not be permitted in Zone 1. Those buildings whose construction has been legally authorized and actually started prior to the effective date of this Regulation can be completed and occupied or used for the purpose specified in the granted authorization.

(2) - Existing buildings within this zone shall not be enlarged. It will be permitted the repair or reconstruction of them for their maintenance or structural alterations which are necessary to protect the lives and safety of the users of the

buildings or to improve the safety of such buildings to resist floodwater effects or the action of coastal surges. Such repairs or structural alteration shall not imply the creation of new living units, nor separate floor space for additional uses, and such repairs or structural alterations must comply with the requirements established under other Regulations of the Board.

6.02 - Uses in Zone 1:

- (1) - Starting from the effective date of the corresponding floodable map, no changes will be permitted in the use of buildings within Zone 1, except when it is demonstrated that the proposed new use will reduce the risk of loss of life and property and complies with any applicable provision of Law or Regulation; that the building will safely resist the effects of flooding or the action of coastal waves or that measures necessary to these ends will be taken; provided that there will not be created new living units nor floor space for additional uses besides the proposed to substitute the existing one.

- (2) - No use will be permitted within this zone if it by itself or in combination with other existing uses or that could be established, affect the efficiency or capacity of the floodway or increases the flooding level or the water velocity.

The effects to be considered for a proposed use should be based on the assumption that there will be an equal degree of encroachment along each side of the watercourse.

- (3) --When there is not required the erection of buildings, land fill, or warehousing of materials or equipment the following uses may be permitted in this zone in open spaces when they comply with any applicable provision of Law or Regulation and those steps are taken which avoid or reduce to a minimum the creation of impediments to the free flow of floodwaters or coastal surges:

- (a) - Agricultural uses such as: general farming, pasturage, plant nurseries, vegetables gardening, operation of farm equipment, forestry and cultivation of wild plants.

(b) - Incidental uses to commercial or industrial activities by authorization of the Board, such as loading and unloading areas and parking areas for vehicles.

(c) - ~~Recreational~~ uses by authorization of the Board, such as golf courses, athletic courts, velodromes, picnic areas, archery fields, boat ramps, swimming areas, parks, wildlife preserve, fish hatcheries, firing ranges, hunting and fishing areas and horse back riding.

(d) - Incidental uses to residential activities such as lawns, gardens, play areas and parking areas for vehicles.

(e) - Public utilities by authorization of the Board such as installation of underground pipes and conduits and highway constructions.

6.03 - Signs or Advertising Signs in Zone 1: Once the corresponding floodable zone map is in force installation of signs or advertising signs will not be permitted in Zone 1.

6.04 - Subdivisions in Zone 1: Once the corresponding

floodable zone map is in force, subdivision of lands will not be allowed in this Zone.

6.05 - Land fill in Zone 1: The Board may authorize land fill in this zone when a hydrological study verifies that the filling will have some beneficial purposes and that the amount thereof is not greater than is necessary to achieve such purpose, nor will result in an obstacle to the flooding or coastal surges waters, nor will it be harmful to other properties. Plans will be submitted to show; the use to be given to the land-filled terrains, magnitude and elevations of proposed land fill; bulk heading, ripraps or vegetative covering to be provided to protect the fill against erosion, as a requisite to resist the effects of floodwaters or of coastal surges. The effects to be considered due to the proposed land fill shall be based on the assumption that there will be an equal degree of encroachment on each side of the water course.

SECTION 7.00 - ZONE 2

7.01 - Buildings in Zone 2:

- (1) - Starting from the effective date of the corresponding floodable zone map, new buildings will be permitted to be located in Zone 2 when these are designed and constructed in such a way that will cause the

least possible obstruction to the flow of waters, will provide safety conditions, will resist the effects of floodwaters or coastal surges, the first floor elevation be higher than the level of the regulatory flooding, and will comply with any other applicable provision of Law or Regulation. Those buildings whose construction had been legally authorized and actually started at the effective date of this Regulation may be completed and occupied or used for the purpose specified in the granted authorization.

- (2) - It will be permitted in this zone repairs, enlargement, reconstruction or structural alterations of those existing buildings which provides safety conditions and resists the effects of flooding or the action of coastal surges provided that such repairs, enlargement, reconstruction or structural alterations complies with any other applicable provisions of Law or Regulation.

When the size of any proposed enlargement exceeds thirty per cent (30%) of the gross floor area of the existing

building, the elevation of its first floor must be higher than the regulatory flooding level.

7.02 - Uses in Zone 2: Starting from the effective date of the corresponding floodable zone map, occupancy or use of buildings or properties in Zone 2 will be permitted for the following purposes, provided they comply with any applicable provision of Law or Regulation and that measures are taken to avoid or to minimize those encroachment which might be created to impede the free flow of floodwaters or coastal surges.

(1) - Agricultural uses, such as general farming
grazing, plant nurseries, vegetable
gardens, operation of farm, equipment,
forestry, wild plant cultivation and
stables or animals yards.

(2) - Incidental uses to residential activities
such as lawns, gardens, play areas and
parking areas for vehicles.

(3) - Commercial uses by authorization of the Board
such as sale of used cars and boat sales.

(4) - Industrial uses by authorization of the Board
such as extraction of sand, gravel or
other material, and warehousing of equipment,
machinery or materials.

- (5) - Incidental uses to commercial and industrial activities by authorization of the Board such as loading and unloading areas and parking for vehicles.
- (6) - Recreational uses by authorization of the Board such as golf courses, athletic courts, velodromes, picnic areas, archery fields, boat ramps, swimming areas, parks, wildlife preserves, fish hatcheries, firing ranges, hunting and fishing areas, horse back riding, circuses, carnivals, Saint's Day festivals and open-air theaters.
- (7) - Public utilities by authorization of the Board such as installation of underground or surface pipes or conduits, installation of electric power or communications posts or towers; construction of highways or bridges, marinas, piers, or boat landings.
- (8) - Any use shown in a development plan approved by the Board for a Rural Community sponsored by the Social Programs Administration of the Department of Agriculture of the Commonwealth of Puerto Rico.
- (9) - In zoned areas, any use permitted by the Zoning Regulation in the district in which

the property is located.

7.03 - Signs and advertisings in Zone 2: It will be permitted in this zone installation of signs and advertising signs complying with any applicable provisions of Law or Regulation. When allowed, signs and advertisings signs on the ground they should be designed and installed in such a way as to resist the effects of flooding and allow the free flow of waters.

7.04 - Subdivisions in Zone 2: Starting from the effective date of the corresponding floodable zone map, subdivisions will be permitted in this Zone when they comply with any applicable provision of Law or Regulation, and with the following:

- (1) - The proponent must submit to the Board, along with his petition, studies and specific proposals to protect the concerned lands from the effects of flooding and coastal surges. If these proposals are accepted by the Board, the recommended measures or works should be made a part of the development plan for the subdivision and should be constructed and in use before the occupancy of buildings on these lands. In cases where land fill is proposed to be deposited on the property, compliance with that established

in Subsection 7.05 of this topic is required.

- (2) - In those cases covered by studies made for an integrated plan of flood control, the works will be made to conform to said flood control plan.

7.05 - Land fill in Zone 2 : The Board by authorize land fill in this zone when a hydrological study verifies that the filling will have some beneficial purposes and that the amount there of is not greater than is necessary to achieve such purpose, nor will result in an obstacle to the flooding or coastal surges waters, nor will it be harmful to other properties. Plans will be submitted to show; the use to be given to the land-filled terrains, magnitude and elevations of proposed land fill; sea walls, ripraps or vegetative cover to be provided to protect the fill against erosion, as a requisite to resist the effects of floodwaters or of coastal surges. The effects to be considered due to the proposed land fill shall be based on the assumption that there will be an equal degree of encroachment on each side of the water course.

SECTION 8.00 - ZONE E

8.01 - Buildings in Zone E:

- (1) - Starting from the effective date of the

corresponding floodable zone map, new buildings will be permitted in this Zone if these are designed and constructed in such a way that they create the least obstruction to the flow of waters, will provide safety conditions, will resist the effects of flooding and coastal surges, the elevation of the first floor be higher than the regulatory flooding level, and will comply with any other applicable provision of Law or Regulation. Those buildings whose construction has been legally authorized and actually started prior to the effective date of this Regulation can be completed and occupied or used for the specified purpose granted by the authorization.

- (2) - It will be permitted in this zone the repair, expansion, reconstruction or structural alteration of those existing buildings which provide safety conditions and resists the effects of flooding or the action of coastal surges, provided that such repairs, enlargements, reconstructions or structural alterations complies with any other applicable provision of Law or Regulation.

When the size of any proposed expansion exceeds thirty per cent (30%) of the gross floor area of the existing building, the elevation of the first floor should be higher than the regulatory flooding level.

8.02 - Uses in Zone E: Starting from the effective date of the corresponding floodable zone map, occupation or use of buildings or properties within this Zone will be permitted for the following purposes, provided that they comply with any other applicable provision of Law or Regulation, and that those measures be taken that will avoid or minimize obstructions which may impede the free flow of flooding waters or coastal surges:

- (1) - Agricultural uses such as general farming, grazing, nurseries, vegetable gardens, operation of farm equipment, forestry, cultivation of wild plants and stables or animals yards.
- (2) - Incidentals uses to residential activities such as lawns, gardens, play areas and parking areas for vehicles.
- (3) - Commercial uses by authorization of the Board such as sale of used cars and boat sales.
- (4) - Industrial uses by authorization of the Board such as extraction of sand, gravel and

other materials; and warehousing or storage of equipment, machinery and materials.

- (5) - Incidental uses to commercial or industrial activities by authorization of the Board such as loading and unloading areas and parking areas for vehicles.
- (6) - Recreational uses by authorization of the Board such as golf courses, athletic courts, velodromes, picnic areas, archery ranges, boat ramps, swimming areas, parks, wildlife preserves, fish hatcheries, firing ranges, hunting and fishing areas, horse back riding, circuses, carnivals, saint's day festivals and open-air theaters.
- (7) - Public utilities by authorization of the Board such as installation of underground and surface pipes and conduits; installation of electric power and communications posts or towers; construction of highways and bridges, marinas, piers, or boat landings.
- (8) - Any use indicated in a Board approved plan for the development of a Rural Community sponsored by the Social Programs Administration of the Department of Agriculture, Commonwealth of Puerto Rico.

(9) - In zoned areas, any use permitted by the Zoning Regulation for the district in which the property is located.

8.03 - Signs or advertising signs in Zone E: It will be permitted in this zone the installation of signs and advertising signs complying with any other applicable provision of Law or Regulation. When signs or advertising signs are permitted on the ground, they should be designed and installed in such a way as to resist the effects of flooding and allow the free flow of waters.

8.04 - Subdivisions in Zone E: Starting from the effective date of the corresponding floodable zone map subdivision of lands may be permitted in this zone when it is complied with any other applicable provision of Law or Regulation and with the following:

(1) - The proponent must submit to the Board, along with his petition, studies and specific proposals to protect the concerned lands from the effects of flooding and coastal surges. If these proposals are accepted by the Board, the recommended measures or works should be made a part of the development plan for the subdivision and should be constructed and in use before the occupancy of buildings

on these lands. In cases where land fill is proposed to be deposited on the property, compliance with that established in Subsection 8.05 of this topic is required.

(2) - In those cases covered by studies made for an integrated plan of flood control, the works will be made to conform to said flood control plan.

8.05 - Land fill in Zone E: The Board may authorize land fill in this zone when a hydrological study verifies that the filling will have some beneficial purposes and that the amount thereof is not greater than is necessary to achieve such purpose, nor will result in an obstacle to the flooding or coastal surges waters, nor will it be harmful to other properties. Plan will be submitted to show; the use to be given to the land-filled terrains, magnitude and elevations of proposed land fill; bulk heading, ripraps or vegetative cover to be provided to protect the fill against erosion, as a requisite to resist the effects of floodwaters or of coastal surges. The effects to be considered due to the proposed land fill shall be based on the assumption that there will be an equal degree of encroachment on each side of the water course.

TOPIC 3

PROVISIONAL FLOODABLE ZONES

SECTION 9.00 - DECLARATION, NOTIFICATION AND PUBLICATION OF
PROVISIONAL FLOODABLE ZONES DECLARATION

- 9.01 - Declaration of provisional floodable zones: The Board may declare provisional floodable zones as provided by Act No. 3 of September 27, 1961, as amended.
- 9.02 - Notification and publication of the provisional floodable zone declaration: The Board will notify and publish all provisional floodable zone declarations in accordance with provisions of Act No. 3 of September 27, 1961, as amended.

TOPIC 4

ADMINISTRATION OF THE REGULATION

SECTION 10.00 - PERMITS

SECTION 10.01 - General Provisions: The Permit Official will require and issue permits in accordance with the provisions of Act No. 3 of September 27, 1961, as amended, and of this Regulation.

10.02 - Permit requirements: Starting from the effective date of this Regulation in the areas declared floodable zones there will be required a use permit to occupy or use any property, structure or building; or a construction permit to erect, construct, reconstruct, alter, expand or to move any structure or building; or a sign or advertising sign permit for the installation, construction, reconstruction, location, erecting, relocation, alteration, modification, expansion or moving of any sign or advertising sign.

10.03 - Issuance of permits: Starting from the effective date of this Regulation, construction permits, use permits and installation permits for signs and advertising signs, will only be issued if the structures or buildings or property uses and/or the signs and advertising signs themselves are in total accord with and conform to the provisions of this Regulation.

10.04 - Term of effectiveness of the Decision Regarding Permits:

- (1)- Every favorable decision or authorization regarding any consultation about the conformity of a project, preliminary or final project relating to a construction project shall remain without effect: if within one (1) year of having rendered same the corresponding construction permit has not been obtained, or if after having obtained the corresponding construction permit, the authorized works were not commenced within one (1) year from the permit's date of issuance; or if such works once begun according to the aforesaid, were not finished within the term prescribed in the permit issued.
- (2)- Every decision authorizing any use permit shall remain without effect; if within one (1) year of having rendered same the corresponding use permit were not obtained; or if after having obtained the corresponding use permit, the authorized use is not established within one (1) year from the permit's date of issuance.
- (3)- Every decision authorizing any permit for the installation of signs or advertising signs shall remain without effect: if within one (1) year of having rendered same the corresponding sign or

advertising sign permit were not obtained; or if after having obtained the corresponding sign or advertising sign permit, the sign or advertising sign permit, the sign or advertising sign authorized has not been installed within one (1) year from the date of issuance of the permit.

- (4)- The aforementioned effective dates shall be considered definitive for all legal purposes, except that same may be prorogated by petition of an interested party, when such extension is not considered contrary to the public interest, and provided that the prorogation petition is submitted thirty (30) days before the expiration date of the decision, indicating the motives in which the petition is based, and furthermore, including evidence of the progress attained in the preparation of the preliminary or construction plans, studies and documents that the case may require.

SECTION 11.00 - DIRECT AUTHORIZATIONS

11.01 - General provisions regarding direct authorizations:

The Board may intervene in all cases where its intervention is specifically called for by this Regulation. The actions of the Board must be in harmony with the general ends and purposes of this

Regulation, with Act No. 213 of May 12, 1942 and with Act No. 3 of September 27, 1961, both as amended, and due protection for the public interest shall be assured.

11.02 - Conditions governing direct authorizations: Direct authorizations granted will remain subject to compliance with conditions established therein and with the provisions of this Regulation.

11.03 = Term of effectiveness of Decisions Regarding Direct Authorization: Any favorable decision regarding a direct authorization related to a construction, use or sign permit, shall remain without effect if within one (1) year of having rendered same, the corresponding permit were not obtained.

This effective date shall be considered definite for all legal purposes, except that same may be prorogated by petition of an interested party, when such extension is not considered contrary to the public interest, and provided that the prorogation petition is submitted thirty (30) days before the expiration date of the decisions, indicating the motives in which the petition is based, and furthermore, including evidence of the progress attained in the preparation of the preliminary or construction plans, studies and documents that the case may require.

SECTION 12.00 - CONCESSIONS

12.01 - Concessions in Zone 1:

- (1)- The Board may authorize the uses listed below which may require construction of structures, earthworks or warehousing or storage of materials or equipment, provided that these uses comply with provisions established in this Subsection; with any other applicable provision of Law or Regulation; and provided that measures be taken to avoid or to minimize the creation of obstacles to the free flow of flooding waters and coastal surges.
 - (a)- Agricultural uses such as stables or animal yards.
 - (b)- Commercial uses such as used car sales and boat sales.
 - (c)- Industrial uses such as extraction of sand, gravel and other materials; warehousing or storage of equipment, machinery or materials, provided that said equipment, machinery or materials be firmly anchored or that they may be easily removed from the area immediately following a flooding warning. Warehousing or storage of materials which are buoyant, flammable, explosive or could be injurious to human, animal or plant life shall not be permitted.

- (d)- Recreational uses such as circuses, carnivals, saints' day festivals and open-air theaters.
 - (e)- Public utilities such as installations of pipes and conduits; installation of electric power or communications posts or towers; construction of highways and bridges on columns; marinas piers, and boat landings.
- (2)- Any temporary or permanent structure which may be authorized by the Board in this Zone must comply with the following:
- (a)- It cannot be designed or constructed for human habitation.
 - (b)- It must be constructed and located in such manner as to offer the least possible obstruction to the free flow of floodwaters, with its longitudinal axis parallel to the direction of the current.
 - (c)- It must be firmly anchored to prevent floatation or being carried off by water currents.
 - (d)- Any services such as electric power or heating must be installed at a point higher than the regulatory flooding level.

12.02 - Conditions governing concessions: Authorized concessions will remain subject to the conditions established therein and moreover to the provisions of this Regulation.

12.03 - Term of effectiveness of Decisions Regarding Concessions:

Any favorable decision or authorization regarding a concession to the regulations in force relating to a construction, use or sign permit, shall remain without effect if within one (1) year of having rendered same, the corresponding permit were not obtained.

This effective date shall be considered definitive for all legal purposes, except that same may be prorogated by petition of an interested party when such extension is not considered contrary to the public interest, and provided that the prorogation petition is submitted thirty (30) days before the expiration date of the decision indicating the motives in which the petition is based, and furthermore, including evidence of the progress attained in the preparation of the preliminary or construction plans, studies and documents that the case may require.

SECTION 13.00 - SURVEILLANCE AND INSPECTION OF FLOODABLE ZONES

13.01 - Urban Zones: In accordance with the Law, the Urban Renewal and Housing Corporation of Puerto Rico will have the responsibility for the surveillance and inspection of urban areas of the Municipalities of the Commonwealth of Puerto Rico declared floodable zones.

13.02 - Rural Zones: In accordance with Law, the Department of

Agriculture's Social Programs Administration will have the responsibility for the surveillance and inspection of rural zones of the Municipalities of the Commonwealth of Puerto Rico declared floodable zones.

I CERTIFY: That the preceeding Planning Regulation Number 13 (Regulation for the Control of Buildings and Land Development in Floodable Zones) was adopted by the Puerto Rico Planning Board at a meeting held on December 15, 1971, as an integral part of Resolution Number RP-13-O-71, and it is hereby being issued for its publication and general use under my signature and the seal of the Puerto Rico Planning Board, in San Juan, Puerto Rico, on December 16, 1971.

(Signed)
HARRY MALDONADO
Secretary

NOAA COASTAL SERVICES CTR LIBRARY



3 6668 14111237 7